

RESOURCE MANAGEMENT ACT 1991**Decision of Marlborough District Council
Change of Resource Consent Conditions**

RESOURCE CONSENT: MFL048.127.01
APPLICANT: The New Zealand King Salmon Co Limited
LOCATION: Crail Bay, Pelorus Sound/Te Hoiere

**THIS IS THE DECISION ON THE APPLICATION TO CHANGE RESOURCE
CONSENT CONDITIONS:**

To change Condition 1 to enable additional species to be farmed at existing marine farm site 8513 in Crail Bay.

DECISION: **Granted**

Decision

Pursuant to section 127 and after having regard to Part 2 matters and sections 88 to 121 of the Resource Management Act 1991, the Marlborough District Council hereby **changes** condition 1 of Resource Consent MFL048.

- **Condition 1 as originally granted is changed.**

- **Condition 1 now reads:**

That this permit shall expire on 31 December 2024. Any one or more of the following species may be farmed at the site:

- a) Greenshell mussel (*Perna canaliculus*)
- b) Scallop (*Pecten novaezelandiae*)
- c) Dredge oyster (*Ostrea chilensis*)
- d) Pacific oyster (*Crassostrea gigas*)
- e) Cockle (*Austrovenus stutchburyi*)
- f) Large ostrich foot snail (*Struthiolaria papulosa*)
- g) Oblong Venus clam (*Venerupis (Ruditapes) largillierti*)

and/or the following indigenous sponges:

- h) *Lissodendoryx* spp
- i) *Mycale* spp
- j) *Latrunculia brevis*
- k) *Latrunculia* spp
- l) *Raspailia agminata*

and/or the following indigenous seaweeds:

- m) *Macrocystis pyrifera*
- n) *Ecklonia radiata*
- o) *Pterocladia lucida*
- p) *Gracilaria* spp
- q) *Lessonia variegata*
- r) *Ulva lactuca*
- s) *Asparagopsis armata*
- t) *Pyropia* spp (including Karengo)
- u) *Agarophyton chilense*
- v) *Porphyra* spp
- w) *Durvillaea* spp

and the harvest only of the invasive seaweed:

- x) *Undaria pinnatifida*

Advice Note

This decision is to be read in conjunction with the previous decision dated 12 May 2008.

Reasons

Proposal

1. The consent holder seeks to enable the farming of a range of indigenous bivalve, sponge and seaweed species at existing marine farm site 8513 in Crail Bay. The farming would be carried out using the conventional longlines already consented at the site for the farming of four species of bivalves. In addition, the consent holder seeks consent to harvest the invasive seaweed *Undaria pinnatifida* which grows unbidden on the farm structures.

Background

2. The subject marine farm site 8513 is covered by resource consents MFL048 and U060533, both due to expire on 31 December 2024. The farm structures include 8 conventional surface longlines with a total surface backbone length of 1,600 metres, arranged in one block across a combined 5.05-hectare area (noting that the 4.5 hectares of MFL048 overlaps in part the 1.09-hectares of U060533).

Description of Existing and Surrounding Environment

3. The application site is located on the west side of Crail Bay in the middle reaches of Pelorus Sound/Te Hoiere. Resource uses in the locality are comprised of marine farming, plantation forestry, rural land reverting to native forest and intermittent residential and related development. There are neighbouring marine farms located 80 metres to the north (site 8512) and 100 metres to the south (site 8514) of the subject farm.

Activity Status

4. Section 127 of the Resource Management Act 1991 requires any application for a change of conditions to be assessed as a discretionary activity.

Notification and Affected Persons

5. For reasons recorded separately the application was processed without public or limited notification.

Assessment of Effects

6. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, it is concluded that the proposed farming of additional bivalve, sponge and seaweed species at the site, due to the nature, scale and methodology of such farming, is likely to have comparable or lesser adverse effects on the environment than the consented farming of bivalves at the site.

Relevant Statutory and Plan Provisions

7. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 6 and 8 the New Zealand Coastal Policy Statement 2010; Policy 9.2.1.1.1 of the Marlborough Sounds Resource Management Plan; and Objectives 6.2, 7.2, 8.1, 13.2, 13.20 and Policies 6.2.6, 7.2.4, 8.3.1, 8.3.4, 8.3.5, 13.2.6, 13.20.3 and 13.22.9 of the PMP (appeals version) are of some limited relevance to an evaluation of the proposal. Within the context of the site it is concluded that the proposed condition is consistent with most of the identified provisions.

Part 2 Resource Management Act 1991

8. Having considered the matters of national importance, other matters and principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the Act would be better achieved through approving the proposed change of consent condition.

Recommended for approval:



.....
Peter Johnson
Environmental Planner

Approved:



25 February 2022

.....
Anna Eatherley
Marlborough District Council Manager Resource Consents

Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

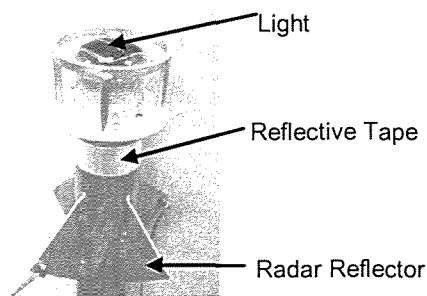
- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision, however there is no right of appeal against the whole or any part of the decision to the extent that the decision relates to one or more of the following, but no other, activities:
 - a) a boundary activity, unless the boundary activity is a non-complying activity;
 - b) a subdivision, unless the subdivision is a non-complying activity;
 - c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.
- A submitter can only appeal to the Environment Court if their appeal is related to a matter raised in their submission and their submission, or the part of their submission to which the appeal relates, has not been struck out under section 41D of the Resource Management Act 1991.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

Before lodging an objection or an appeal it is recommended that you seek professional advice.

Marine Farm Lighting and Marking Plan – MFL048 (Site no.8513)

I, Alexander van Wijngaarden, Harbourmaster of Marlborough District Council, hereby approve, under Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994, the lighting and marking associated with permit MFL048 (Site no.8513), located in Crail Bay, Pelorus Sound as follows:

1. That each end of each longline display an orange buoy, as shall the middle of each of the seawardmost and landwardmost longlines.
2. That a yellow light, radar reflector and a band of reflective tape 50 millimetres in width be displayed in the positions marked 'A' on the attached structures plan. The lights shall be solar powered and shall have the following characteristics: F1 (5) Y (20 secs) 1m 1M.



3. That radar reflectors and a band of reflective tape be displayed in the positions marked 'B' on the attached structures plan.
4. That a band of reflective tape 50 millimetres in width be displayed in the positions marked 'C' on the attached structures plan.

Interpretation:

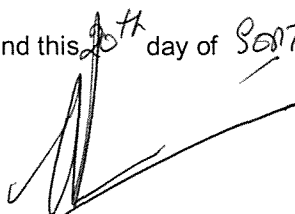
Light – a yellow light, group flash 5 every 20 seconds (minimum flash length not less than 0.5 seconds), height of light not less than 1 metre above the water, range at least 1 nautical mile.

Radar reflector – to be set at not less than 1 metre above the waterline with a band of reflective tape set above this. The radar reflector should be visible on radar at a range of at least 500 metres.

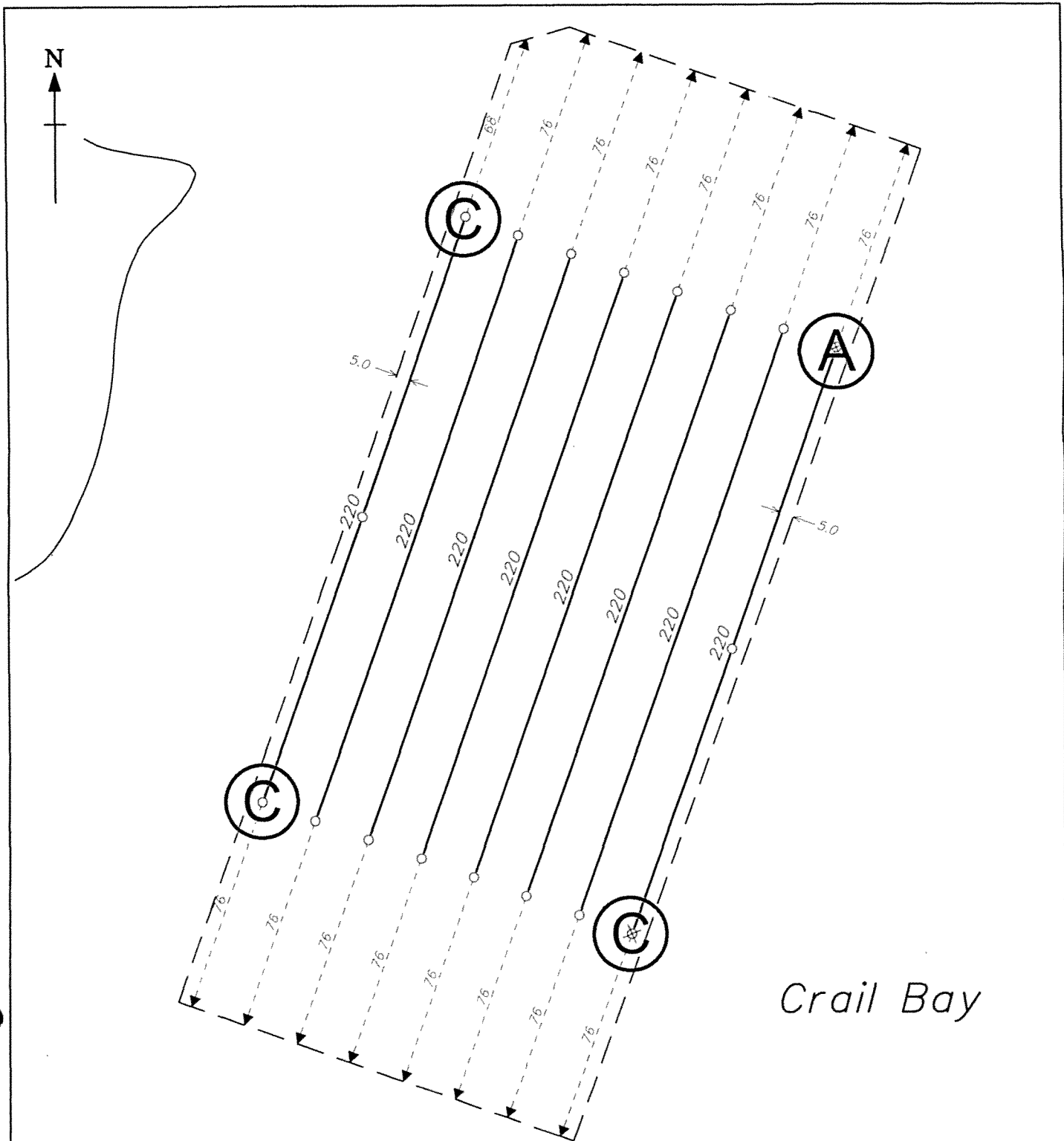
Reflective tape – should be at least 50 millimetres in width and placed around the circumference of the support tube; the tape should be visible by torchlight at a range of at least 50 metres. Alternative reflectors may be substituted for reflective tape, provided that they are mounted where they are visible by torchlight from at least 50 metres all round.

5. Each end of the most landward and most seaward longlines shall carry the name of the consent holder, and the site number issued by Marlborough District Council (e.g. #8405), displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.

Given under my hand this ^{10th} day of SEPTEMBER 2016



ALEXANDER VAN WIJNGAARDEN



Crail Bay

NOTE: Longline Spacing = 20m
 Total Longlines = 8
 Total Backbone Length = 1760m
 Warp Lengths = 68-76m (surface loss)

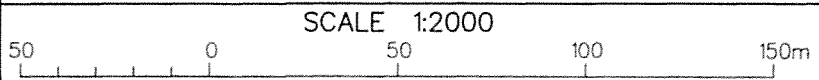
26 MAY 2006
 MARLBOROUGH DISTRICT COUNCIL

- REFERENCE
- ⊗ Orange float with light and Radar Reflector
 - Orange Float
 - ◄ Anchors
 - - - - - Anchor Warp (32mm Rope)
 - Backbone (24-28mm Rope)

Layout Details

MFL 048 & U960385 (Site 8513)

Marlborough Mussel Co Ltd



Prepared by; DRAUGHTING PLUS LTD
 Date 17/05/06
 MF_1616.gcd

Handwritten signature and date: 26/04/2006

**Deemed Coastal Permit - Review of Conditions
under Section 10(4) of the Aquaculture Reform
(Repeals and Transitional Provisions) Act 2004**

**In the Matter of an Application to Vary, Add or Delete Conditions of
Coastal Permit**

File Reference: MFL048

Consent Holder: Marlborough Mussel Company Limited

MFL048 is a Deemed Coastal Permit to: Occupy space in the coastal marine area.

Location: Crail Bay, Central Pelorus east

Site No: 8513

Proposal: To vary, add or delete conditions of deemed coastal permit No 048 for the purpose of farming green mussels (*Perna canaliculus*), scallops (*Pecten novaezelandiae*), dredge oysters (*Tiostrea lutaria*) and Pacific oysters (*Crassostrea gigas*) in accordance with the provisions of the Act.

**Decision on
Application to Vary, Add or Delete Conditions of Coastal Permit**

Pursuant to Sections 10(4) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 the following decision has been made by the Marlborough District Council:

Conditions now state:

Coastal Permit - Occupancy and Activity

1. That this permit shall expire on 31 December 2024.
2. That without restricting the consent holder from reasonably undertaking the activities authorised by this resource consent, the consent holder shall not undertake the activities in such a way that would effectively exclude the public from the permit area.
3. That there shall be no feed artificially introduced into the marine farm unless a specific coastal permit for discharge is firstly obtained.
4. **That the occupancy be limited to the 4.5 hectare area (marked 'MFL048 – 4.50 ha')** illustrated on the plan attached to this consent, and confined to the area specified or implied within the schedule of New Zealand Map Grid co-ordinates.

Coastal Permit - Structures

5. That the structures be limited to anchors, ropes, droppers, floats, cages, racks, lights and other necessary navigational aids associated with the marine farming of the approved species. All structures shall be situated and secured so as to remain within the boundaries of the consent area. The number of lines shall be at the discretion of the consent holder, but shall not exceed the number shown on the attached plan, the separation distances between lines shall be no less than as shown, and lines shall be oriented as shown (parallel to the shore).
6. That the placement of marine farm lighting and marking shall be approved by the Harbourmaster under his Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994. The approved lighting plan is attached.
7. That each end of the landwardmost and seawardmost longlines carry the name of the consent holder, and the site number issued by Marlborough District Council (#8513), displayed in bold clear letters in such a manner that they can be clearly read from a distance of 10 metres.
8. That the consent holder maintain all structures to ensure that they are restrained, secure and in working order at all times so as to not create a navigational hazard and take whatever steps are reasonably necessary to retrieve any non-biodegradable debris lost in or from the permit area.
9. That each buoy within the approved area be permanently branded so as to clearly identify its ownership.
10. Where there are more than two blocks of longlines an accessway of no less than 50 metres in width, free of surface structures, be provided between blocks.
11. That upon the expiration, determination, forfeiture or surrender of the coastal permit the consent holder shall remove all structures, rafts, buoys, longlines, blocks, and all associated equipment from the site, and restore the area as far as is practicable to its original condition, and to the reasonable satisfaction of Council. If the consent holder fails to comply with this clause Council may arrange compliance on their behalf and at the consent holder's expense.
12. That in accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent at any time for the purpose of ensuring that any actual or potential effects on the environment arising from the exercise of this consent are avoided, remedied or mitigated.

Reasons for Decision

The grounds for approving these changes are that the majority of the existing conditions in the original licence are already provided for by the RMA (e.g. access), by the changes to Fisheries regulations (i.e. registration), or are no longer required (e.g. general provisions). The new conditions are consistent with the RMA and with those in current use.

As the review of conditions relates to existing structures and operations it will not adversely affect other users or values of the area, and will align all marine farms to consistent conditions and processes.

The proposal will not have any adverse effect on the environment.

Other Matters

1. Unless otherwise specified, this is the full text of the decision.

Appeal Information

2. If intending to object to this decision, the objection must be lodged with the Marlborough District Council within 15 working days of the receipt of this decision.

Authorised under the Marlborough District Council's Instrument of Delegation by:


.....
Marlborough District Council Commissioner

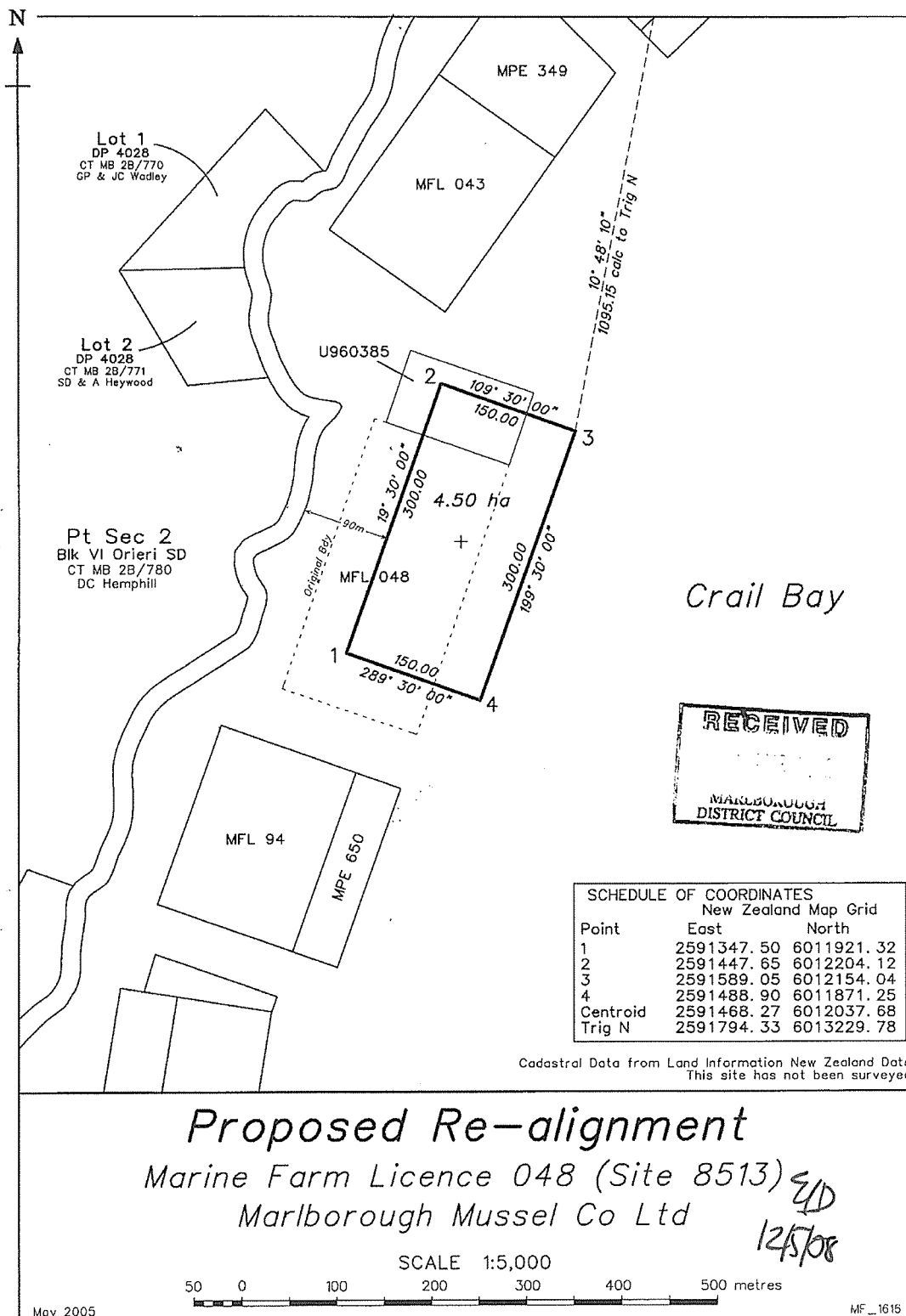
Dated this 12th day of May 2008

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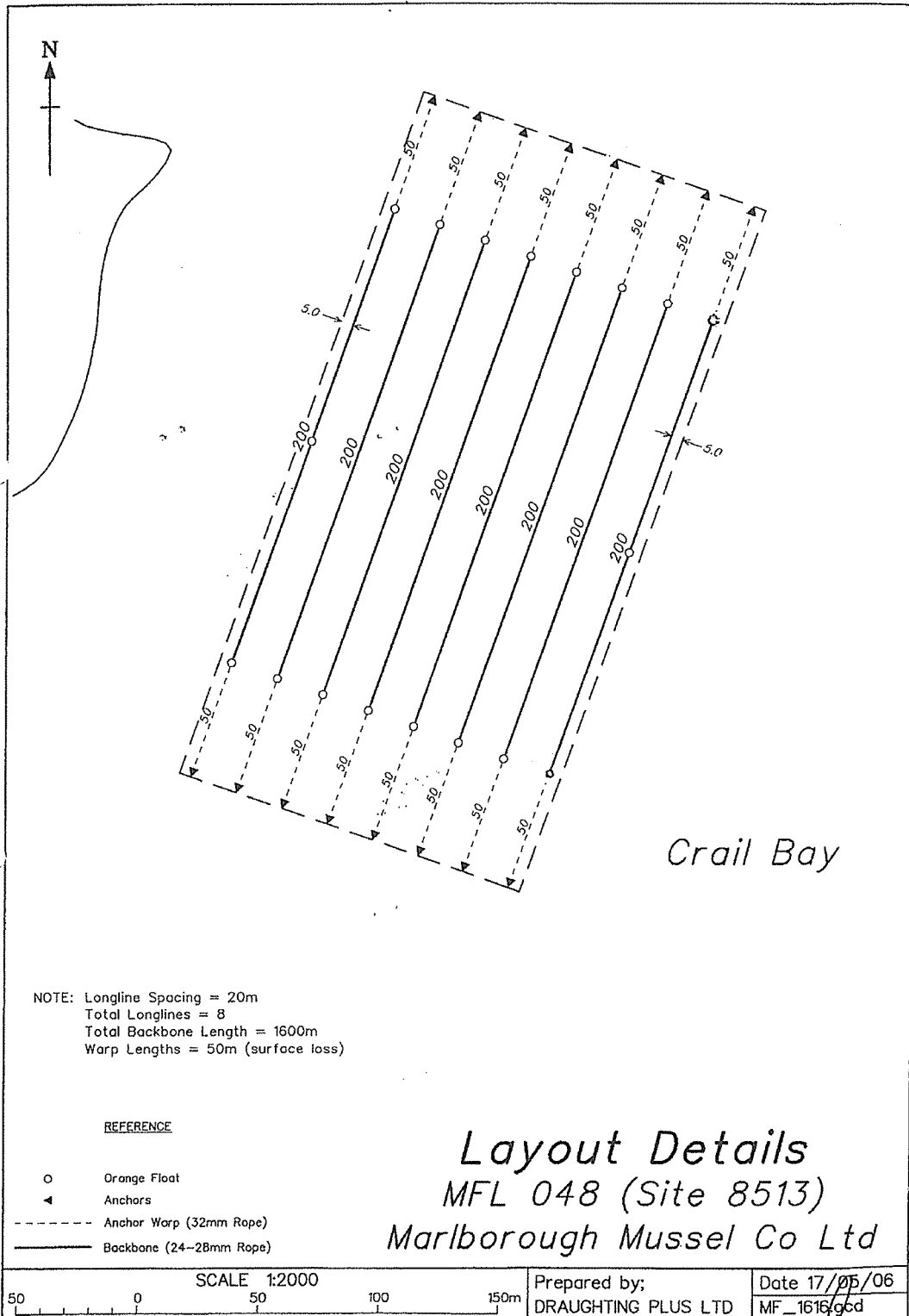
ANNOTATION HISTORY

Date	Reason for Amendment/Alteration
21/08/2006	Section 53 to amend the permit co-ordinates.
12/05/2008	Deemed Coastal Permit - Review of Conditions under s10(4) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.
11/07/2011	Transfer of coastal permits MFL048 and U060533 – change of name from Marlborough Mussel Co Limited to The New Zealand King Salmon Co Limited.
20/09/2016	Section 127 to update the lighting plan.
25/02/2022	Section 127 to change condition 1.

Location plan (combined site): (...to be updated...)



Structures and lighting plan:



S/D
12/5/08

Marine Farm Lighting and Marking Plan – MFL048, U060533 (Site no.8513)

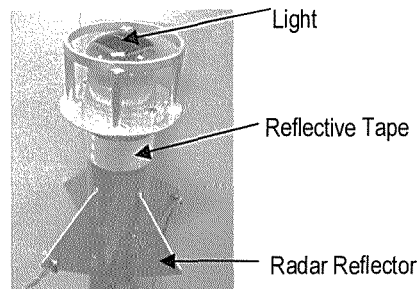
I, Alexander van Wijngaarden, Harbourmaster of Marlborough District Council, hereby approve, under Maritime Delegation from the Director of Maritime New Zealand pursuant to Sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994, the lighting and marking associated with coastal permit MFL048, U060533 (Site no.8513), located in Crail Bay, central Pelorus as follows:

1. That each end of each longline display an orange buoy, as shall the middle of each of the seawardmost and landwardmost longlines.
2. That a yellow light, radar reflector and a band of reflective tape 50 millimetres in width be displayed in the positions marked 'A' on the attached structures plan. The lights shall be solar powered and shall have the following characteristics:

Flash: Flashing (5) every 20 seconds. Length of flashes no less than 1 second. Interval between flashes, no less than 1 second.

Range: At least 1 nautical mile.

Height: Greater than 1.0 metre above the surface of the water.

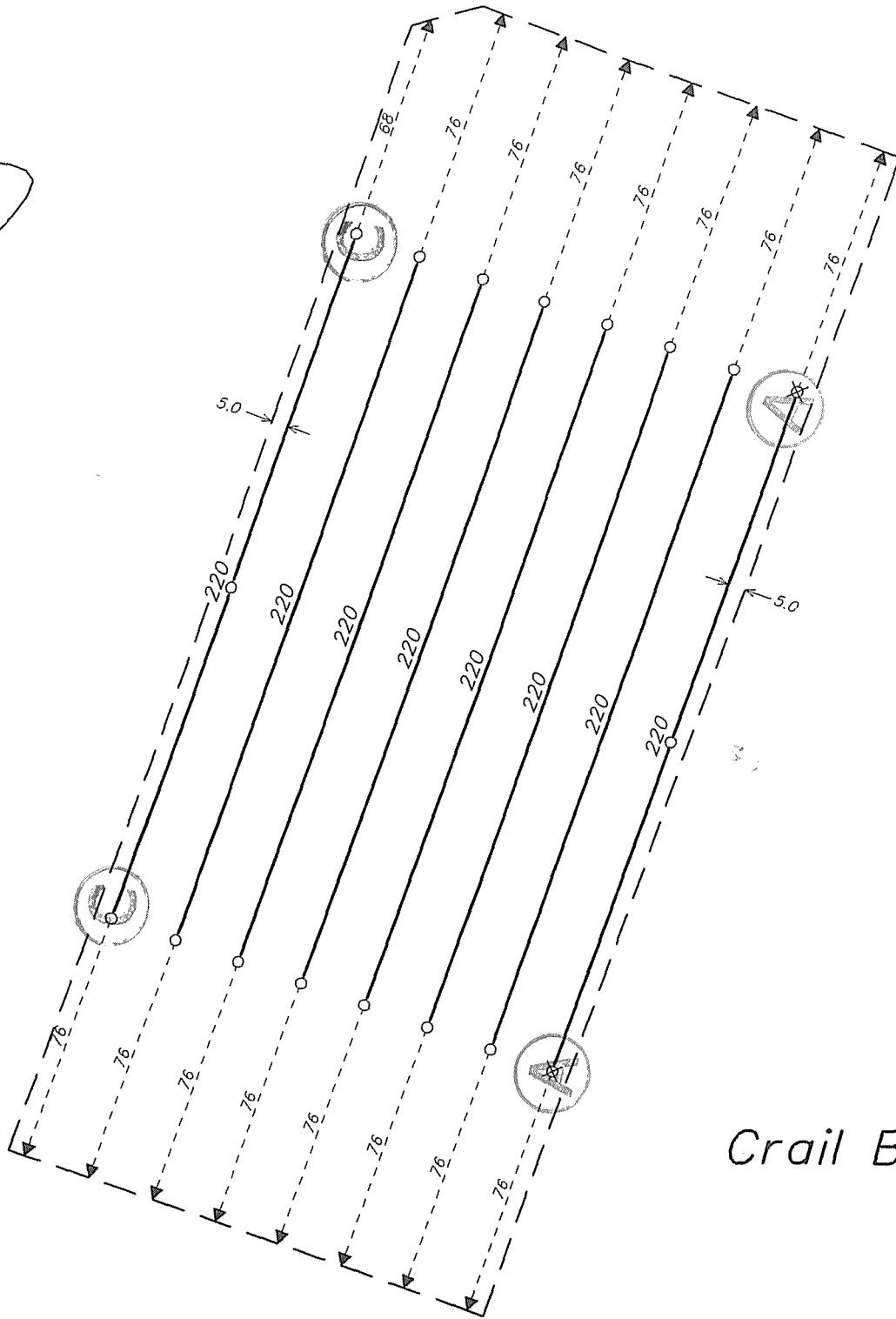


3. That radar reflectors and a band of reflective tape 50 millimetres in width be displayed in the positions marked 'B' on the attached structures plan.
4. That a band of reflective tape 50 millimetres in width be displayed in the positions marked 'C' on the attached structures plan.

Given under my hand this ^{5th} day of *MAY* 2008


ALEXANDER VAN WIJNGAARDEN

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Crail Bay

NOTE: Longline Spacing = 20m
 Total Longlines = 8
 Total Backbone Length = 1760m
 Warp Lengths = 68-76m (surface loss)

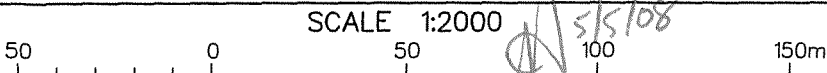
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 26 MAY 2006
 MARLBOROUGH
 DISTRICT COUNCIL

REFERENCE

- ⊗ Orange float with light and Radar Reflector
- Orange Float
- ▲ Anchors

----- Anchor Warp (32mm Rope)
 ————— Backbone (24-28mm Rope)

Layout Details
MFL 048 & U960385 (Site 8513)
Marlborough Mussel Co Ltd



Prepared by; DRAUGHTING PLUS LTD Date 17/05/06
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**Section 53 of the
Aquaculture Law Reform (Repeals and Transitional Provisions)
Act 2004**

**In the Matter of an Application to Amend the Authorised Space to
Reflect the Actual Space Occupied by Surface Structures**

File Reference: MFL048

Consent Holder: Marlborough Mussel Company Limited

MFL048 is a Coastal Permit to: Operate a 4.50 hectare marine farm.

Location: West Coast, Crail Bay

Proposal: To amend the permit co-ordinates as per the attached plan.

**Decision on
Application to Amend the Authorised Space to Reflect the Actual
Space**

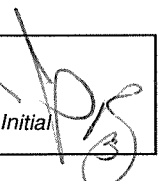
Pursuant to Section 53 of the Aquaculture Law Reform (Repeals and Transitional Provisions) Act 2004 the following decision has been made by the Marlborough District Council:

- The authorised space of MFL048 is hereby amended to reflect the actual space identified by the co-ordinates specified on the plan attached, date stamped 10 August 2006.

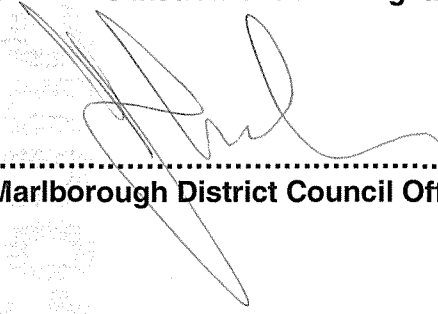
Other Matters

This decision is to be read in conjunction with the conditions of Marine Farm Licence 048 attached and any subsequent review of those conditions.

For the sake of clarity this decision is restricted to Marine Farm Licence 048 only.


Initial

Authorised under the Marlborough District Council's Instrument of Delegation by:



.....

Marlborough District Council Officer



.....

Marlborough District Council Officer

Dated this 21st day of AUGUST 2006

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Lot 1
DP 4028
CT MB 2B/770
GP & JC Wadley

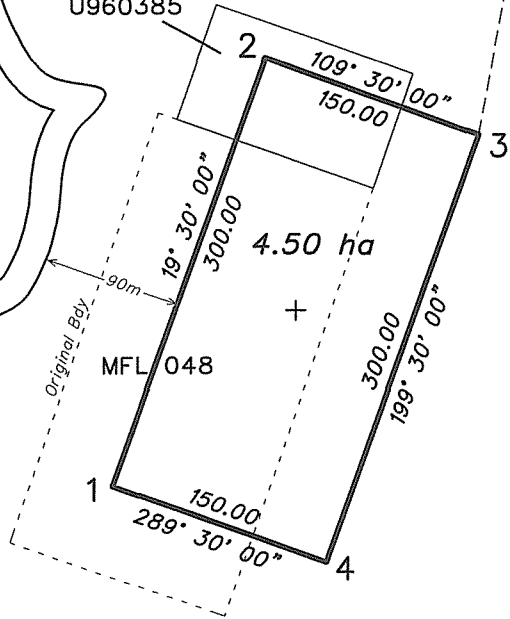
Lot 2
DP 4028
CT MB 2B/771
SD & A Heywood

Pt Sec 2
Blk VI Orieri SD
CT MB 2B/780
DC Hemphill

MPE 349

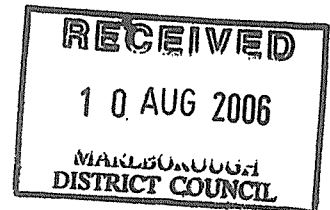
MFL 043

U960385



10° 48' 10"
1095.15 calc to Trig N

Crail Bay



SCHEDULE OF COORDINATES New Zealand Map Grid		
Point	East	North
1	2591347.50	6011921.32
2	2591447.65	6012204.12
3	2591589.05	6012154.04
4	2591488.90	6011871.25
Centroid	2591468.27	6012037.68
Trig N	2591794.33	6013229.78

Cadastral Data from Land Information New Zealand Data
This site has not been surveyed

*Proposed Re-alignment
Marine Farm Licence 048 (Site 8513)
Marlborough Mussel Co Ltd*

SCALE 1:5,000



Certified Copy

For Chief Executive
Ministry of Fisheries

M.F. BULL and J.A. BULL

- with -

HER MAJESTY THE QUEEN

MARINE FARM LICENCE NO 48 (Under
the Marine Farming Act 1971)

Registered in Marine Farming Register
of Leases/Licences on 7.8.78

Assignment to MICHAEL FRANK BULL
registered on September 30 1982
at 0900 hrs.

M. Bull
for Director-General

Extension of term to expire on
31 August 2006 registered on 20
December 1991 at 1300hours

R. King
for Director General

Variation of licene to include
Scallop (*Pecten novaezelandiae*)
Dredge Oyster (*Tiostrea lutaria*)
Pacific Oyster (*Crassostrea
gigas*) registered on 7 October
1992 at 01100 hours.

C. Cooper
for Director-General

Assignment to Marlborough Mussel Company
Limited. Registered on 28 January 2002 at
1130 hours.

R. King
for Chief Executive

LICENCE UNDER THE MARINE FARMING ACT 1971

Licensor

The Minister of Agriculture and Fisheries (hereinafter referred to as "the Licensor") is the controlling authority under the Marine Farming Act 1971 (hereinafter referred to as "the Act") of the area described in the schedule hereto (hereinafter referred to as "the area").

Licensee

Michael Frank Bull and John Ashcroft Bull (together with executors, administrators, successors and permitted assigns hereinafter called "the Licensee").

Licence

The Licensor upon the execution of this instrument subject to the terms and conditions set out below has agreed to grant to the Licensee a Licence of the area for a term of fourteen years beginning on the *FIRST* day of *SEPTEMBER* 1978 at an annual licence fee of Forty Five dollars (\$45-00) payable in advance on the *FIRST* day of *SEPTEMBER* each calendar year, for the use of the area as a marine farm pursuant to the provisions of the Marine Farming Act 1971.

Conditions

1. THE LICENSEE HEREBY COVENANTS with the Licensor as follows:

(a) The Licensee will at all times comply with the provisions of the Act and Regulations thereunder.

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(b) The Licensee shall pay the annual licence fee as and when described above to the Director-General of Agriculture and Fisheries (in this instrument called the "Director-General") at the Head Office of the Ministry of Agriculture and Fisheries in Wellington.

(c) If the Licensee is at any time in arrears with payment of the annual licence fee he shall not remove from the area any fish, shellfish or marine vegetation farmed in that area except with the written consent of the Director-General.

(d) The licensee shall utilize and cultivate in a proper manner the area for the purpose of farming mussels and shall comply at all times with the Act and any regulations, notices and requirements made or issued pursuant to the Act.

(e) The Licensee shall not erect, place, moor or keep in the area any structure, raft, buoy or buoyed longline which is not first approved by the Ministry of Transport at Wellington and provided with such functioning beacons, lights, buoys, fog signals and other equipment as the Ministry of Transport may from time to time require.

(f) The Licensee shall on the expiration, determination, forfeiture or surrender of the licence, remove all structures, rafts, buoys, buoyed longlines and other plant from the area, and restore the area as far as is practicable to its original condition to the reasonable satisfaction of the Licensor.

(g) If the Licensee fails to comply with clause (f) of this licence the Licensor may at the expense of the Licensee, take such steps as are necessary to fulfil the Licensee's obligations under that clause.

(h) The Licensee shall take steps to ensure that the fish, shellfish or marine vegetation farmed in the area are not rendered unfit for human consumption by

JB
11/2/11

disease, infection by marine pests, or contamination by sewage.

(i) The Licensee will maintain in good order and repair all structures, rafts, buoys, buoyed longlines, beacons, noticeboards and other plant in the area and will not permit such to deteriorate through want of repair so as to be, become, or cause, in the opinion of the Licensor a hazard or potential hazard to navigation.

(j) The Licensee will permit and facilitate free access to, over and from any raft, structure, buoy or buoyed longline to any fisheries officer or any officer in the employment of the Crown authorised by the Director-General who may from time to time wish to enter and inspect the area to ensure that the provisions of the Act or of this licence are being complied with or not contravened.

(k) The Licensee shall not assign, sublet or part with the possession of the whole or any part of the area without the prior consent in writing of the Licensor and such consent shall not be unreasonably withheld.

2. THE LICENSOR HEREBY COVENANTS WITH the Licensee as follows:

The Licensor or any fisheries officer or officer of the Crown who under the terms of this licence or under the authority of some other statute enters and inspects the area shall cause as little interference as is reasonably possible with the use of the area or with any raft, structure, buoy, buoyed longline, mooring arrangements, mooring or navigational marks, or fish or marine vegetation of the species authorised to be farmed in terms of this licence.


M.S.B.

Provisos

3. PROVIDED ALWAYS and it is hereby agreed and declared by and between the Licensor and Licensee that:

(a) The licence shall be liable to forfeiture without payment of compensation if the Licensee:

- (i) Cannot be found, or has abandoned the area, or has died and no personal representative has claimed the area within 12 months after his death; or
- (ii) Has not within a period of two years from the commencement of the licence, or within such further period as the Licensor may specify by notice in writing to the Licensee, begun to develop to the satisfaction of the licensor the area as a marine farm for the farming of the species specified in this licence; or
- (iii) Defaults in or is in breach of any term or condition of this licence.

(b) If after a period of seven years from the commencement of this licence the Licensee has not developed the whole of the area as a marine farm, such part of the area as shall then remain undeveloped shall be liable to forfeiture.

(c) If the licence, or part of the area, is liable to forfeiture and the Licensee has failed after notice has been given to him to remedy the default or breach, the Licensor may forfeit the licence without action and may thereupon re-enter and recover possession.

Dated this

27th.

day of

June

1978

SCHEDULE

All that area containing 4.5 hectares more or less, in front of Sounds Foreshore Reserve and Part Section 2, Block VI, Orieri Survey District, bounded by a line commencing at a point in Crail Bay being 34.00 metres distant on a bearing of $108^{\circ} 27'$ from peg XIX on S O 226 in Block VI, Orieri Survey District; thence along a bearing of $108^{\circ} 27'$ for a distance of 150.00 metres to the north eastern corner; thence along a bearing of $198^{\circ} 27'$ for a distance of 300.00 metres to the south eastern corner; thence along a bearing of $288^{\circ} 27'$ for a distance of 150.00 metres to the south western corner; thence along a bearing of $18^{\circ} 27'$ for a distance of 300.00 metres to the point of commencement.

The above area is more particularly shown on S O plan 5559. (MAF 129).

Signed in place of the Minister of ^{AGRICULTURE AND} Fisheries for and on behalf of)
Her Majesty the Queen, in the)
presence of:)

John B. Bull

*Private Secretary
Wellington*

DATE 27 6 78

Signed by the above-named Licensee) X
in the presence of:)

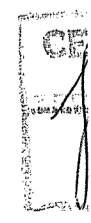
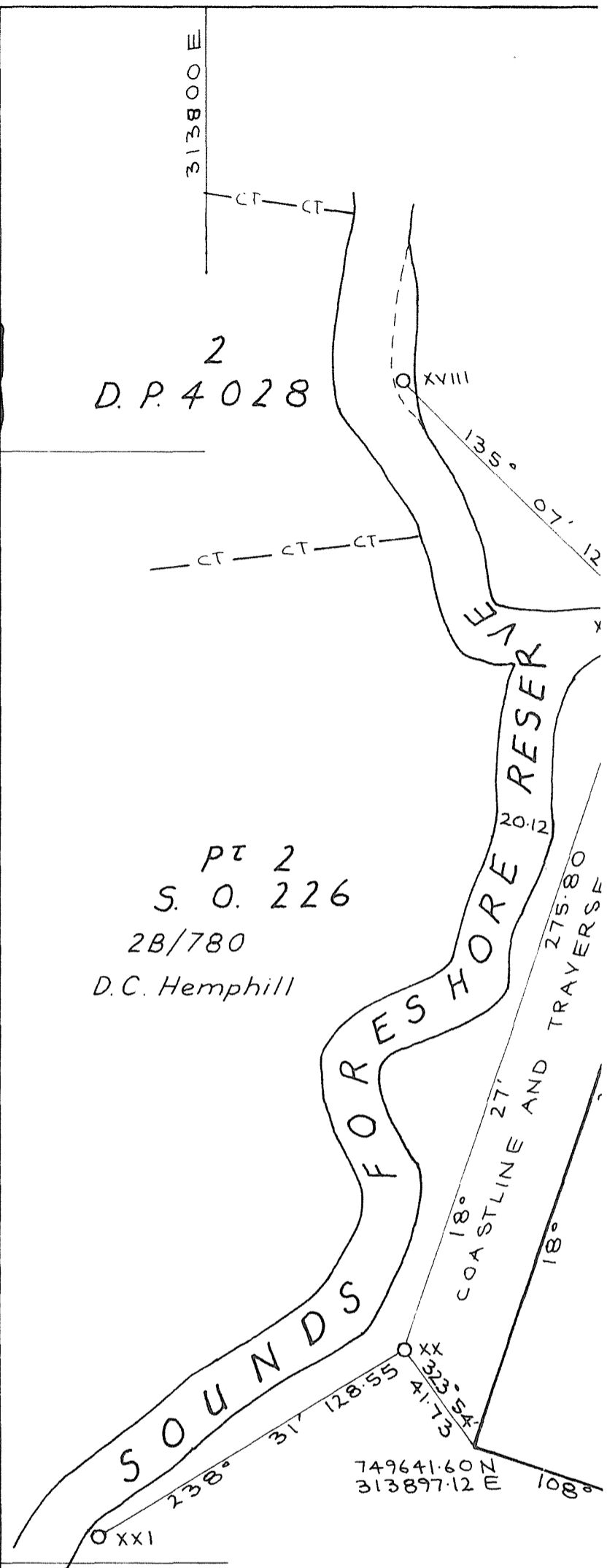
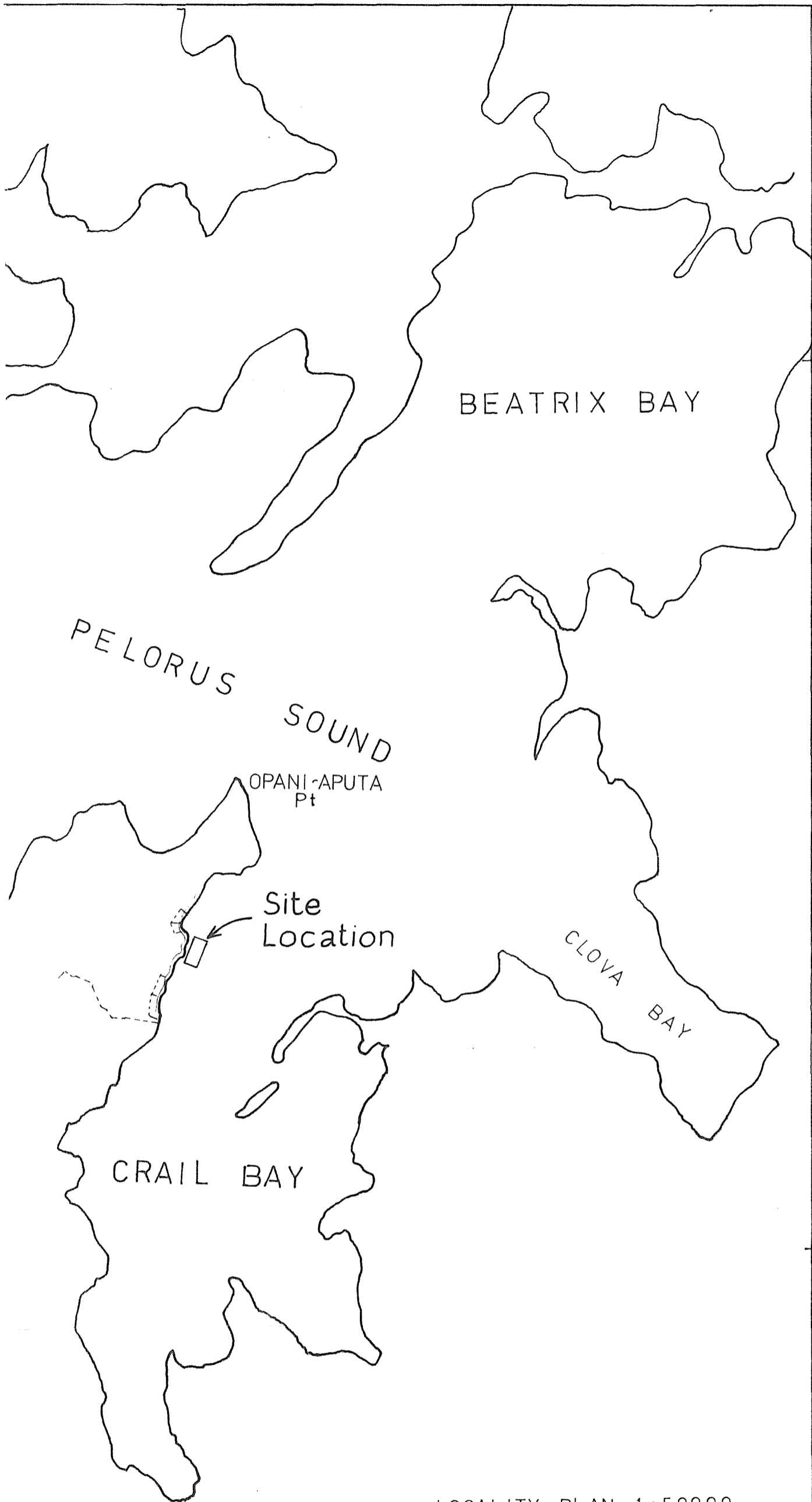
John B. Bull

Michael F Bull

Name: M HACKMAN

Address: 13 SELWYN PL
NELSON

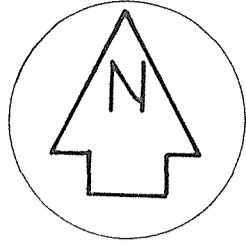
Occupation: GROCCER



LAND DISTRICT MARLBOROUGH
 SURVEY BLK. & DIST. VI ORIERI
 NZMS 177 SHEET NO. S 16

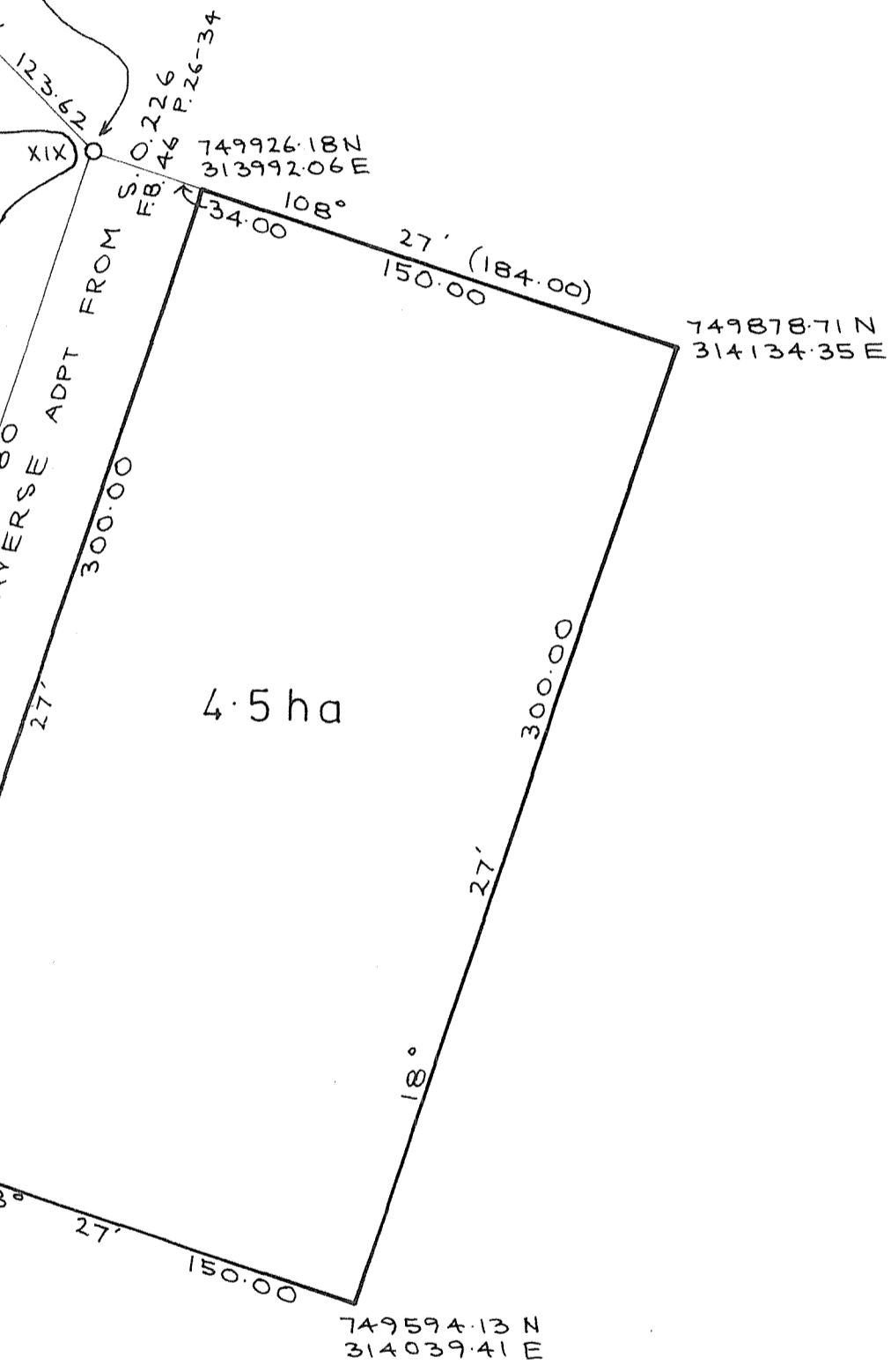
PLAN SHOWING AREA APPLIED FOR
 SEC 5 MARINE FARMING ACT

314200 E



750000 N

749936.94 N ORIGIN CO-ORDS
313959.81 E TB 5 P. 60-66



4.5 ha

749878.71 N
314134.35 E

749594.13 N
314039.41 E

749600 N

Approvals

APPLICANT: M. F. BULL

DATUM: OLD CADASTRAL
MARLBOROUGH CIRCUIT COORDINATES
ORIGIN: GOULTER HILL 700,000 N
300,000 E

Total Area

Comprised in

VERNON THOMAS FRASER AYSON of BLENHEIM
Registered Surveyor and holder of an annual practising certificate
hereby certify that this plan has been made from Surveys executed
by me or under my direction; that both plan and Survey are correct
and have been made in accordance with the regulations under the
Surveyors Act 1966

Dated at *Blenheim* this 7 day
of *April* 1978 Signature *[Signature]*

Field Book p. Traverse Book p.

Reference Plans D.P. 4028
S.O. 226

Examined *R.A. Lillock* 2/5/78

Approved

215/78

[Signature]
Chief Surveyor

Deposited this day of 19

1032/2^M

District Land Registrar

File 11/76
Received 12.4.78
Instructions

SO 5559

M.A.F 129.

COMPUTED PLAN

CERTIFIED CORRECT
[Signature]
CHIEF SURVEYOR
10/5/78

FOR UNDER
T 1971

LOCAL AUTHORITY MARLBOROUGH COUNTY

Surveyed by DAVIDSON AYSON & ASSOC

Scale 1:2000

Date APRIL 78

MEMORANDUM OF VARIATION OF LICENCE
(ISSUED UNDER THE MARINE FARMING ACT 1971)

PARTIES to this Agreement

1. HER MAJESTY THE QUEEN in right of the Government of New Zealand acting by and through the Minister of Agriculture & Fisheries (in this instrument called "the Licensor").
2. MICHAEL FRANK BULL (in this instrument together with executors, administrators, successors and permitted assigns called "the Licensee").

WHEREAS

3. The Licensor is the Controlling Authority in terms of the Marine Farming Act 1971 (in this instrument called "the Act") of the area described in the Schedule attached to Licence Number 48 to which this Memorandum of Variation is attached (in this instrument called "the licensed area").
4. The Licensee has applied for a variation to Licence Number 48 by way of extension to the term of the licence.
5. The Licensor is empowered under Section 13 of the Act to extend the term of the licence provided that the concurrence of the Minister of Conservation and the Minister of Transport has been obtained.
6. The concurrence of the Minister of Conservation and the Minister of Transport has been obtained for the extension of the term of Licence Number 48 to be extended for a period of 14 years from the expiry of the original term.

NOW THEREFORE this Instrument witnesses that in pursuance of the Act and by Agreement between the parties the Licensor hereby extends the term of Licence Number 48 for a period of 14 years beginning on the FIRST day of SEPTEMBER 1992



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and expiry on the THIRTYFIRST day of AUGUST 2006. The Licensee hereby agrees to this extension of term and all terms and conditions contained in Licence Number 48.

DATED this 23 day of Oct 1991

Signed by the Licensee Mitchell F O'Brien
in the presence of

Witness R.S. Jackson
Address RD2, Pictou
Occupation Cooper Director

The Common Seal of
was hereunto affixed, in the presence of
Director

Director

Signed by Douglas Lorimer Kidd, Minister
of Fisheries, pursuant to section 7 of
the Constitution Act 1986, for and on
behalf of Her Majesty the Queen, [Signature]
in the presence of

Witness Erin Wynne
Address Parliament Buildings, Wellington
Occupation Fisheries Private Secretary

DATED this 18th day of November 1991

MEMORANDUM OF VARIATION OF LICENCE

Issued under the Marine Farming Act 1971

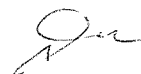
An Agreement made this _____ day of _____ 19____

PARTIES to this Agreement


1. The Minister of Fisheries (hereinafter referred to as "the Licensor").
2. MICHAEL FRANK BULL (together with executors, administrators, successors and permitted assigns, hereinafter referred to as "the Licensee").

WHEREAS

3. The Licensor, as the controlling authority under the Marine Farming Act 1971 (hereinafter referred to as "the Act"), has issued Marine Farming Licence No. 48 to which this Memorandum of Variation is attached.
4. The Licensor and the Licensee have, pursuant to Section 13 of the Act, agreed to vary the conditions, covenants and agreements in the said licence in the following manner:
 - A. The addition of SCALLOP (*Pecten novaezelandiae*), DREDGE OYSTER (*Tiostrea lutaria*) AND PACIFIC OYSTER (*Crassostrea gigas*) as a species permitted to be farmed under the licence.
 - B. The licence is now permitted to farm only MUSSEL (*Perna canaliculus*), SCALLOP (*Pecten novaezelandiae*), DREDGE OYSTER (*Tiostrea lutaria*) AND PACIFIC OYSTER (*Crassostrea gigas*).
 - C. In accordance with Section 49 of the Marine Farming Act 1971 the licensee may take spat and juveniles of a species specified in this licence which are caught within the bounds of the licensed area.


M707

- D. All stock and crop not obtained in accordance with Condition 4C and which is to be held on the farm must come from a source authorised under the Fisheries Act 1983 or from other marine farms licensed to take stock under the Marine Farming Act 1971 provided it is in accordance with the Ministry's policies on transfer of stock between farms.
- E. Dredge oyster stock held on this farm must be sourced only from the area CAPE STEPHENS TO CAPE KOAMARU and live dredge oysters must not be transferred from this farm to any waters (including other marine farms) outside of the area listed except by prior approval in writing of the Director-General, C/- Regional Manager Central, Private Bag 14, Nelson.
- F. Pacific oyster stock held on this farm must be sourced only from the area WITHIN THE WATERS OF THE SOUTH ISLAND and live Pacific oysters must not be transferred from this farm to any waters (including other marine farms) outside the area listed without prior approval in writing of the Regional Manager, MAF Fisheries Central, Private Bag 14, Nelson.
- G. The Licensee shall not transfer any live farm stock or crop from the area to any other waters (not being a marine farm) without prior approval in writing of the Regional Manager, MAF Fisheries Central, Private Bag 14, Nelson.
- H. The Licensee shall not transfer any diseased farm stock or crop to another farm or release into any waters any diseased farm stock or crop kept at any licensed area.
- I. Any authorised officer may from time to time, by notice in writing to the Licensee:



1703

- (i) require the Licensee to carry out such action for the prevention of disease among the stock or crop on the farm as is specified in the notice;
- (ii) where the officer believes on reasonable grounds that any farmed stock or crop on the marine farm is diseased, require the Licensee to carry out such action for the treatment of the disease and the decontamination of any nets, buoys or other structures as is required in the notice.

J. No compensation shall be payable in respect of any stock or crop required to be destroyed by an authorised officer pursuant to Condition 4(l) of this licence.

K. Record Keeping conditions - The Licensee shall keep the following records for a period of seven (7) years:

- (i) A record of all stock or crop purchased or otherwise acquired by the Licensee, which record shall be in sufficient detail to allow the stock or crop and the person from whom the stock or crop was acquired to be identified;
- (ii) Invoices relating to all stock or crop purchased or otherwise acquired by the Licensee, which shall include the following information:
 - (a) the date of the transaction under which the stock or crop was acquired;
 - (b) the name and address of the person supplying the stock or crop;



11703

- (c) the species, processed state, weight in kilograms, and estimated number of shellfish per kilogram, and unit price (if any) of the stock or crop;

- (iii) A record of all stock or crop held by the Licensee on behalf of any person (if applicable), which record shall be in sufficient detail to allow the stock or crop and the circumstances in which the stock or crop are held to be identified, and shall include the following information:
 - (a) the times at which possession of the stock or crop was taken and handed back, and the dates on which the stock or crop was held;
 - (b) the manner of disposal of the stock or crop;
 - (c) the species, processed state, weight in kilograms, and estimated numbers of shellfish per kilogram of the stock or crop;

- (iv) A record of all stock or crop sold or otherwise disposed of by the Licensee, which record shall include the following information:
 - (a) the date on which the stock or crop was disposed of;
 - (b) the species, processed state, weight in kilograms and price per kilogram of the stock or crop;
 - (c) the person to whom the stock or crop was sold or otherwise disposed of;

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M703

- (v) Statements of stock or crop inventory held at the end of each financial year of the Licensee and all records of stock-takings from which any such statement has been or is to be prepared, which statements and records shall include the following information:
- (a) The date on which the inventory was made and the date on which any stock-taking occurred;
 - (b) the species, processed state, weight in kilograms and estimated number of shellfish per kilogram of stock or crop held at the time of the inventory and the time of any stock-taking.
- L. Any SCALLOP (*Pecten novaezelandiae*) AND DREDGE OYSTER (*Tiostrea lutaria*) which are removed from within the boundaries of the marine farm must be enclosed within labelled containers.

The label should contain the following details:

- (i) date of removal;
 - (ii) name of consignor (i.e. marine farm);
 - (iii) name of consignee (e.g. licensed fish packing house);
 - (iv) description of contents (e.g. *Pecten novaezelandiae*);
 - (v) numbers of shellfish or net weight;
 - (vi) signature of consignee or authorised agent.
- M. Any farmed stock or crop must be packaged separately from those harvested from a wild fishery.

THEREFORE, from the date of this agreement, the Marine Farm Licence Number 48 shall be varied to the extent outlined in Clauses 4(A) to 4(M) above and apart from the agreed variation, the present conditions, covenants and agreements shall continue to apply.

John M. O'Brien

Muhl 703 all

Signed by the Licensee

in the presence of

Witness *Kim Diamond*
Address *6 Penzance St, Atawhai, Nelson*
Occupation *Scientist*

The Common Seal of
was hereunto affixed in the presence of

Director

Director

Signed by Douglas Lorimer Kidd, Minister
of Fisheries, pursuant to Section 7 of
the Constitution Act 1986, for and on
behalf of Her Majesty the Queen, in
the presence of

[Signature]

Witness *Erin Wynne*
Address *Parliament Buildings, Wellington*
Occupation *Fisheries Private Secretary*

DATED this *14th* day of *September* 19*92*

_____ being the Mortgagee of Marine Farm Licence Number __, by
mortgage registered on _____, hereby consent to the above
variation.